IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37702 of 2007(L)

PETITIONER:

G.KUMAR, 58/45, SATTANAYAGAN STREET,
THIRUVANNAMALAI, TAMIL NADU.

BY ADV. SRI.ARIKKAT VIJAYAN MENON
SRI.HARISANKAR V. MENON

RESPONDENTS:

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1. INTELLIGENCE INSPECTOR,
INTELLIGENCE SQUAD NO.VII,
COMMERCIAL TAXES DEPARTMENT,
PALAKKAD.

2. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C) 37702 of 2007

Dated: December 19, 2007

JUDGMENT

Ext.P3 is issued in the context of detention of an earth removing equipment brought by the petitioner. Petitioner submits that it was not intended to be used in Kerala, but had to enter Kerala to reach a place in Tamil Nadu. However, in view of the irregularities noticed in Ext.P3, particularly that the equipment had entered Kerala not through a check post, but through another access route, I am not inclined to disbelieve the whole of the irregularities that are noticed in Ext.P3 and direct release of the vehicle as sought for by the petitioner. Although it is the contention of the petitioner that the check post was at a distant place and therefore the vehicle could not reach the check post, these are matter of proof.

2. In view of the facts in dispute, I feel that the dispute has to be resolved in an enquiry that has to be held in pursuance to Ext.P3.

3. Having regard to the prayer of the petitioner for an

expeditious conclusion of the proceedings, I dispose of this writ petition directing that the enquiry proceedings in pursuance to Ext.P3 shall be concluded by the officer concerned as expeditiously as possible, at any rate, within two weeks of production of a copy of this judgment.

ANTONY DOMINIC, JUDGE

mt/-